Case 16-00128 Doc 1 Filed 01/05/16 Entered 01/05/16 12:05:56 Desc Main

Fill in this information to identify your case:	
United States Bankruptcy Court for the:	
Northern District of Illinois	
Case number (If known):	Chapter you are filing under:  Chapter 7
	☐ Chapter 11☐ Chapter 12☐
	☐ Chapter 13

B 101

### **Voluntary Petition for Individuals Filing for Bankruptcy**

2/15

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be *yes* if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1:	Identify	Yourself
	Ideliting	1 0 41 3 611

	About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):
1. Your full name		
Write the name that is on your government-issued picture identification (for example, your driver's license or passport).	John First name L. Middle name	First name  Middle name
Bring your picture identification to your meeting with the trustee.	Harris Last name Jr. Suffix (Sr., Jr., II, III)	Last name Suffix (Sr., Jr., II, III)
2. All other names you have used in the last 8 years	John First name L.	First name
Include your married or maiden names.	Middle name Harris	Middle name
	Last name  John	Last name
	First name	First name
	Middle name Harris, Jr.	Middle name
	Last name	Last name
3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number	xxx - xx - 9 6 1 4  OR  9 xx - xx	xxx - xx

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John L. Harris, Jr.
First Name Middle Name Debtor 1

Last Name

Case number (if known)\_

		About Debtor 1:	About Debtor 2 (Spouse Only in a Joint Case):			
4. Any business names and Employer Identification Numbers (EIN) you have used in		☑ I have not used any business names or EINs.	☐ I have not used any business names or EINs.			
	the last 8 years	Business name	Business name			
	Include trade names and doing business as names	Business name	Business name			
		EIN	EIN			
		EIN	EIN			
5.	Where you live		If Debtor 2 lives at a different address:			
		2849 Alexander Cresent Number Street	Number Street			
		Flossmoor IL 60422				
		City State ZIP Code	City State ZIP Code			
		County	County			
		If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.	If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.			
		Number Street	Number Street			
		P.O. Box	P.O. Box			
		City State ZIP Code	City State ZIP Code			
6.	Why you are choosing	Check one:	Check one:			
	this district to file for bankruptcy	Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.	Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.			
I have another reason. Explain (See 28 U.S.C. § 1408.)		I have another reason. Explain. (See 28 U.S.C. § 1408.)	☐ I have another reason. Explain. (See 28 U.S.C. § 1408.)			

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Debtor 1 John

1 - 1		L. La mode	1
Jonn	L.	Harris,	Jr.

Last Name

Case number (if known)\_

Pa	art 2: Tel	I the Court Abou	t Your B	ankrup	otcy Case			
7.	The chapt Bankrupto are choos under	y Code you		ruptcy (Foter 7 oter 11 oter 12	Form 2010)). Also, go to the top of pa		U.S.C. § 342(b) for Individuals Filing ne appropriate box.	
8.	How you v	vill pay the fee	local your subn with  I nee Appl  I req By la less pay t	will pay the entire fee when I file my petition. Please check with the clerk's office in your cal court for more details about how you may pay. Typically, if you are paying the fee burself, you may pay with cash, cashier's check, or money order. If your attorney is ubmitting your payment on your behalf, your attorney may pay with a credit card or check ith a pre-printed address.  The ed to pay the fee in installments. If you choose this option, sign and attach the poplication for Individuals to Pay The Filing Fee in Installments (Official Form 103A).  The equest that my fee be waived (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is set than 150% of the official poverty line that applies to your family size and you are unable to easy the fee in installments). If you choose this option, you must fill out the Application to Have the shapter 7 Filing Fee Waived (Official Form 103B) and file it with your petition.				
9.	Have you bankrupto last 8 yea	y within the	☑ No ☐ Yes.	District	When	MM / DD / YYYY	Case number  Case number  Case number	
10.	filed by a not filing	ding or being spouse who is this case with a business	☑ No ☐ Yes.	District  Debtor	When	MM / DD / YYYY		
11.	Do you re residence		☐ No. ☑ Yes.	resident No. Yes	our landlord obtained an eviction judg nce? o. Go to line 12.		and do you want to stay in your t Against You (Form 101A) and file it with	

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Are you a sole proprietor	☑ No. Go to Part 4.					
of any full- or part-time business?	☐ Yes	Name and location of bu	siness			
A sole proprietorship is a						
business you operate as an individual, and is not a separate legal entity such as		Name of business, if any				
a corporation, partnership, or LLC.		Number Street				
If you have more than one						
sole proprietorship, use a separate sheet and attach it						
to this petition.		City		State	ZIP Code	
		Check the appropriate b	ox to describe your l	ousiness.		
		☐ Health Care Busines	•			
		☐ Single Asset Real Es	,	- , ,,	1	
		☐ Stockbroker (as define	•	• , ,		
		☐ Commodity Broker (a	as defined in 11 U.S	.C. § 101(6))		
		☐ None of the above				
For a definition of small business debtor, see 11 U.S.C. § 101(51D).		the Bankruptcy Code.			or according to the definition in cording to the definition in the	
Report if You Own	or Have	Any Hazardous Prop	erty or Any Prop	erty That Needs I	mmediate Attention	
Do you own or have any property that poses or is	🔽 No					
alleged to pose a threat	☐ Yes	What is the hazard?				
of imminent and identifiable hazard to						
public health or safety? Or do you own any						
property that needs immediate attention?		If immediate attention i	s needed, why is it n	eeded?		
For example, do you own perishable goods, or livestock						
that must be fed, or a building that needs urgent repairs?						
- ,		Where is the property?				
			Number Stre	et		
			City		State ZIP Code	

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Debtor 1 John L. Harris, Jr.

le Name Last Name

Case number (if known)

#### Part 5:

#### **Explain Your Efforts to Receive a Briefing About Credit Counseling**

 Tell the court whether you have received a briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

### About Debtor 1:

You must check one:

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

Ш	I I am not required to receive a briefing	about
	credit counseling because of:	

☐ Incapacity. I have a mental illness or a mental deficiency that makes me

incapable of realizing or making rational decisions about finances.

☐ **Disability.** My physical disability causes me to be unable to participate in a

briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty. I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

#### About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

 ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan. if any.

☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive a briefing a	bout
credit counseling because of:	

☐ Incapacity. I have a mental illness or a mental

deficiency that makes me incapable of realizing or making rational decisions about finances.

Disability. My physical disability causes me to be unable to participate in a

briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

Active duty. I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

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Debtor 1	John L. Harris, Jr.	Case number (if known)	
	First Name 141-41- Name 1 and Name		

Pa	rt 6: Answer These Ques	tions for Reporting Purposes	ō				
16.	What kind of debts do you have?	<ul> <li>16a. Are your debts primarily consumer debts? Consumer debts are defined in 11 U.S.C. § 1 as "incurred by an individual primarily for a personal, family, or household purpose."</li> <li>No. Go to line 16b.</li> </ul>					
		Yes. Go to line 17.	auginosa dobto? Dusínosa	dabia ara dabi	a that you incurred to obtain		
		16b. Are your debts primarily be money for a business or investr	ment or through the operation	of the busines	s that you incurred to obtain s or investment.		
		<ul><li>✓ No. Go to line 16c.</li><li>✓ Yes. Go to line 17.</li></ul>					
		16c. State the type of debts you owe	e that are not consumer debts	or business de	ebts.		
17.	Are you filing under Chapter 7?	☐ No. I am not filing under Chapte	er 7. Go to line 18.	SSHAL (1994) and Makes (2011) and SSHAL (1994) and SSHAL			
	Do you estimate that after any exempt property is		Do you estimate that after an e paid that funds will be availa	ny exempt prope able to distribute	erty is excluded and eto unsecured creditors?		
	excluded and administrative expenses	☑ No					
	are paid that funds will be available for distribution to unsecured creditors?	☐ Yes					
18.	How many creditors do	1-49	<b>1</b> ,000-5,000		25,001-50,000		
	you estimate that you owe?	50-99	5,001-10,000		50,001-100,000 More than 100,000		
	OWE	☐ 100-199 ☐ 200-999	10,001-25,000		Wore than 100,000		
19.	How much do you	\$0-\$50,000	□ \$1,000,001-\$10 million		\$500,000,001-\$1 billion		
	estimate your assets to be worth?	\$50,001-\$100,000	\$10,000,001-\$50 million		\$1,000,000,001-\$10 billion \$10,000,000,001-\$50 billion		
	be worth?	\$100,001-\$500,000 \$500,001-\$1 million	\$50,000,001-\$100 million \$100,000,001-\$500 million	-	More than \$50 billion		
20	How much do you	<b>\$6</b> -\$50,000	□ \$1,000,001-\$10 million		\$500,000,001-\$1 billion		
20.	estimate your liabilities	\$50,001-\$100,000	■ \$10,000,001-\$50 million		\$1,000,000,001-\$10 billion		
	to be?	\$100,001-\$500,000	\$50,000,001-\$100 million	-	\$10,000,000,001-\$50 billion  More than \$50 billion		
D.	rt 7: Sign Below	□ \$500,001-\$1 million	□ \$100,000,001-\$500 millio	OII _	Wore than 450 billion		
Fé	3igii below	I have examined this petition, and I d	dealare under penalty of peril	ing that the info	rmation provided is true and		
Fc	or you	correct.	declare under penalty of perjo	ary triat trie irrio	initiation provided to true and		
		If I have chosen to file under Chapte of title 11, United States Code. I und under Chapter 7.	er 7, I am aware that I may pro derstand the relief available u	oceed, if eligible nder each chap	e, under Chapter 7, 11,12, or 13 iter, and I choose to proceed		
		If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).					
		I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.					
		understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 8 U.S.C. §§ 152, 1341, 1519, and 3571.					
		Signature of Debtor 1	fam / x	ignature of Deb	otor 2		
		Signature of Debtor 1	2 1 1 1	ignature or Det	<u>-</u>		
		Executed on MM DD MYYY		xecuted on	/ / DD / YYYY		

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Martin J. O'Hearn Printed name  Law Offices of Martin J. O'Hearn Firm name  10047 South Western Avenue Number Street  Chicago IL 60643 City State ZIP Code  Contact phone (773) 238-4400 Email address martinohearnlaw@sbcglobal.	Debtor 1 John L. Harris, First Name Middle Name		Case num	ber (if known)		
Printed name  Law Offices of Martin J. O'Hearn  Firm name  10047 South Western Avenue Number Street  Chicago IL 60643  City State ZIP Code  Contact phone (773) 238-4400 Email address martinohearnlaw@sbcglobal.	represented by one  If you are not represented by an attorney, you do not	to proceed under Chapter 7, 11, 12, or available under each chapter for which the notice required by 11 U.S.C. § 342 knowledge after an inquiry that the infe	r 13 of title 11, United State h the person is eligible. I al 2(b) and, in a case in which formation in the schedules fi	es Code, and lso certify that (\$ 707(b)(4)( Filed with the	I have explained the relief at I have delivered to the debtor(s) (D) applies, certify that I have no petition is incorrect.	
City State ZIP Code  Contact phone (773) 238-4400 Email address martinohearnlaw@sbcglobal.		Printed name  Law Offices of Martin J. O'l- Firm name  10047 South Western Aver				
6185904 II		Contact phone <u>(773) 238-4400</u>	E	mail address	martinohearnlaw@sbcglobal.net	
Bar number State		6185904 Bar number		L tate		

# Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

#### This notice is for you if:

- You are an individual filing for bankruptcy, and
- Your debts are primarily consumer debts. Consumer debts are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

### The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file under one of four different chapters of the Bankruptcy Code:

- Chapter 7 Liquidation
- Chapter 11— Reorganization
- Chapter 12— Voluntary repayment plan for family farmers or fishermen
- Chapter 13— Voluntary repayment plan for individuals with regular income

You should have an attorney review your decision to file for bankruptcy and the choice of chapter.

Chapter 7:		Liquidation	
\$2	245	filing fee	
		administrative fee	
+ \$	15	trustee surcharge	
\$3	35	total fee	

Chapter 7 is for individuals who have financial difficulty preventing them from paying their debts and who are willing to allow their non-exempt property to be used to pay their creditors. The primary purpose of filing under chapter 7 is to have your debts discharged. The bankruptcy discharge relieves you after bankruptcy from having to pay many of your pre-bankruptcy debts. Exceptions exist for particular debts, and liens on property may still be enforced after discharge. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

However, if the court finds that you have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge.

You should know that even if you file chapter 7 and you receive a discharge, some debts are not discharged under the law.

Therefore, you may still be responsible to pay:

- most taxes;
- most student loans;
- domestic support and property settlement obligations;

- most fines, penalties, forfeitures, and criminal restitution obligations; and
- certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

- fraud or theft;
- fraud or defalcation while acting in breach of fiduciary capacity;
- intentional injuries that you inflicted; and
- death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A–1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A–2).

If your income is above the median for your state, you must file a second form —the *Chapter 7 Means Test Calculation* (Official Form 122A–2). The calculations on the form—sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If

your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

### **Chapter 11: Reorganization**

\$1,167 filing fee

+ \$550 administrative fee

\$1,717 total fee

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

### **Read These Important Warnings**

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a mistake or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You should not file for bankruptcy if you are not eligible to file or if you do not intend to file the necessary documents.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

### Chapter 12: Repayment plan for family farmers or fishermen

	\$200	filing fee
+	\$75	administrative fee
	\$275	total fee

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

# Chapter 13: Repayment plan for individuals with regular income

	\$235	filing fee
+	\$75	administrative fee
	\$310	total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

- domestic support obligations,
- most student loans,
- certain taxes,
- debts for fraud or theft,
- debts for fraud or defalcation while acting in a fiduciary capacity,
- most criminal fines and restitution obligations,
- certain debts that are not listed in your bankruptcy papers,
- certain debts for acts that caused death or personal injury, and
- certain long-term secured debts.

### **Warning: File Your Forms on Time**

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:

<u>http://www.uscourts.gov/bkforms/bankruptcy\_form\_s.html</u>#procedure.

### Bankruptcy crimes have serious consequences

- If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.
- All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

## Make sure the court has your mailing address

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition* for *Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

# Understand which services you could receive from credit counseling agencies

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from:

http://justice.gov/ust/eo/hapcpa/ccde/cc\_approved.html.

In Alabama and North Carolina, go to: <a href="http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/ApprovedCreditAndDebtCounselors.aspx">http://www.uscourts.gov/FederalCourts/Bankruptcy/Bankru

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.